

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v -

MICHAEL MAZZARA,
CHARLES KERRIGAN,
a/k/a "Duke,"
ANTHONY MASCUZZIO, and
CHRISTOPHER KERRIGAN

Defendants.

FELICIA MARINO LATTANZI
Interested Party.

ORDER TO RETURN PROPERTY
S2/S3 16 Cr. 576 (JFK)

WHEREAS, on or about January 23, 2017, MICHAEL MAZZARA, CHARLES KERRIGAN, a/k/a "Duke," ANTHONY MASCUZZIO, were charged in a five-count superseding Indictment, S2 16 Cr. 576 (the "S2 Indictment") with conspiracy to commit bank burglary and bank theft, in violation of Title 18, United States Code, Section 371 (Count One); with bank burglary, in violation of Title 18, United States Code, Section 2113(a) (Counts Two and Four); and with bank theft, in violation of Title 18, United States Code, Section 2113(b) (Counts Three and Five);

WHEREAS, on or about January 23, 2017, CHRISTOPHER KERRIGAN (along with MICHAEL MAZZARA, CHARLES KERRIGAN, a/k/a "Duke," and ANTHONY MASCUZZIO, the "Defendants"), was charged in three counts of the S2 Indictment with conspiracy to commit bank burglary and bank theft, in violation of Title 18, United States Code, Section 371 (Count One); with bank burglary, in violation of Title 18, United States Code, Section 2113(a) (Count Four); and with bank theft, in violation of Title 18, United States Code, Section 2113(b) (Count Five);

WHEREAS, on or about October 30, 2017, CHARLES KERRIGAN, a/k/a "Duke," was charged in a six-count superseding Indictment, S3 16 Cr. 576 (the "S3 Indictment") with conspiracy to commit bank burglary and bank theft, in violation of Title 18, United States Code, Section 371 (Count One); with bank burglary, in violation of Title 18, United States Code, Section 2113(a) (Counts Two and Four); with bank theft, in violation of Title 18, United States Code, Section 2113(b) (Counts Three and Five); and with witness retaliation while on pre-trial release, in violation of Title 18, United States Code, Sections 1513(b) and 3147;

WHEREAS, the S2 Indictment included a forfeiture allegation as to Counts One through Five of the S2 Indictment

seeking forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is traceable to proceeds traceable to the commission of the offenses alleged in Counts One through Five of the S2 Indictment;

WHEREAS, the S3 Indictment included a forfeiture allegation as to Counts One through Six of the S3 Indictment seeking forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is traceable to proceeds traceable to the commission of the offenses alleged in Counts One through Six of the S3 Indictment;

WHEREAS, the S2 Indictment and the S3 Indictment further included a substitute asset provision providing notice that, if as a result of the defendants' actions or omissions forfeitable property is unable to be located or obtained, the United States could seek, pursuant to Title 21, United States Code, Section 853(p), the forfeiture of any other property of the Defendants;

WHEREAS, on or about March 30, 2018, Hon. Katherine B. Forrest entered a Preliminary Order of Forfeiture as to Specific

Property and Substitute Assets/Money Judgment (D.E. 222) with respect to defendant Christopher Kerrigan (the "Christopher Kerrigan Preliminary Order"), imposing a money judgment in the amount of \$20,841,850.38, in United States currency, and forfeited to the United States all right, title and interest of defendant Christopher Kerrigan in the following property listed in the Christopher Kerrigan Preliminary Order: the property listed in Appendix A (the "Specific Property") and the property listed in Appendix B;

WHEREAS, on or about April 16, 2018, Hon. Katherine B. Forrest entered an Amended Consent Preliminary Order of Forfeiture as to Specific Property and Substitute Assets/Money Judgment (D.E. 237) with respect to defendant Michael Mazzara (the "Mazzara Amended Preliminary Order"), imposing a money judgment in the amount of \$20,887,360.38 in United States currency and forfeited to the United States all right, title and interest of defendant Michael Mazzara in the following property listed in the Mazzara Amended Preliminary Order: property listed in Appendix A -- the Specific Property -- and the property listed in Appendix B;

WHEREAS, on or about April 30, 2018, Hon. Katherine B. Forrest entered a Preliminary Order of Forfeiture as to Specific

Property and Substitute Assets/Money Judgment (D.E. 245) with respect to defendant Charles Kerrigan (the "Charles Kerrigan Preliminary Order"), imposing a money judgment in the amount of \$20,887,360.38 in United States currency, and forfeited to the United States all right, title and interest of defendant Charles Kerrigan in the following property listed in the Charles Kerrigan Preliminary Order: the property listed in Appendix A -- the Specific Property -- and the property listed in Appendix B;

WHEREAS, on or about May 7, 2018, Hon. Katherine B. Forrest entered an Amended Consent Preliminary Order of Forfeiture as to Specific Property and Substitute Assets/Money Judgment (D.E. 249) with respect to defendant Anthony Mascuzzio (the "Mascuzzio Amended Preliminary Order"), imposing a money judgment in the amount of \$20,887,360.38 in United States currency, and forfeited to the United States all right, title and interest of the Defendant in the following property listed in the Mascuzzio Amended Preliminary Order: property listed in Appendix A - the Specific Property -- and the property listed in Appendix B;¹

¹ The property listed in Appendix B to each of the Christopher Kerrigan Preliminary Order, the Mazzara Amended Preliminary Order, the Charles Kerrigan Preliminary Order, and the Mascuzzio Preliminary Order will hereinafter be collectively referred to as the "Substitute Assets."

WHEREAS, pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Government commenced publication of notice of forfeiture and of the Government's intent to dispose of the Specific Property and Substitute Assets on an official Government Internet site (www.forfeiture.gov) for at least thirty consecutive days, beginning on May 25, 2018;

WHEREAS, on or about May 5, 2018, direct notice of the Mazzara Amended Preliminary Order was sent by certified mail, return receipt requested, to all parties believed by the United States to have a potential interest in the Specific Property and/or the Substitute Assets, including Felicia Marino Lattanzi;

WHEREAS, thirty (30) days have expired since final publication of the notice of forfeiture as to the following item:

FBI BARCODE	APPENDIX A ITEM DESCRIPTION	APPENDIX C ITEM DESCRIPTION	SAFE DEPOSIT BOX NUMBER
E5500101	[1 of] 4 gold tone bracelets	Charm Bracelet (14kt gold, 1" wide)	983

(the "Claimed Property");

WHEREAS, because the Government initially received two

claims regarding the Claimed Property, including a claim by the Interested Party, the Court held a hearing on September 20, 2019 (the "Forfeiture Hearing") to adjudicate ownership of the Claimed Property;

WHEREAS, at the Forfeiture Hearing, the Interested Party satisfactorily demonstrated her ownership interest in the Claimed Property to the Court and the other claimant of the Claimed Property did not appear and communicated to the Government that she wished to withdraw her claim; and

WHEREAS, upon the Interested Party's satisfactory demonstration of ownership of the Claimed Property, the Court awarded ownership of the Claimed Property to the Interested Party;

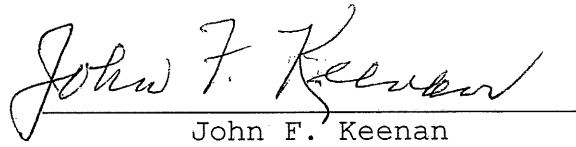
IT IS HEREBY ORDERED that:

1. This Order memorializes the Court's award of the Claimed Property to Felicia Marino Lattanzi, the Interested Party.

2. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Alexander J. Wilson, Chief, Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED.

Dated: New York, New York
August 24, 2020



John F. Keenan
United States District Judge